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8                   ATTORNEY FOR DEFENDANT

9                   ~~IN THE UNITED STATES DISTRICT COURT~~  
10                  ~~FOR THE DISTRICT OF ARIZONA~~

11                  United States of America,

12                  Plaintiff,

13                  vs.

14                  Jose Alberto Samayoa-Alvarez,

15                  Defendant.

16                  21-CR-3223-RM-JR

17                  REQUEST FOR ORDER THAT U.S.  
18                  MARSHALS SERVE SUBPOENA

19                  Counsel undersigned below, on behalf of defendant, Mr. Samayoa-Alvarez,  
20                  requests that this Court order the United States Marshals Office to serve a subpoena  
21                  on Corecivic, or CAFCC, in Florence, Arizona.

22                  The purpose of the subpoena is to obtain information that the prison will only  
23                  provide via a subpoena. This information is needed in preparation for the sentencing  
24                  hearing in the defendant's case.

25                  As ordered by this Court when the parties appeared before it on February 10,  
26                  2022, defense counsel and AUSA, had a telephonic discussion with representatives of  
27                  Corecivic on February 11, 2022. At that meeting, counsel asked the Executive

1 Assistant Marie Rolfsmeier how to obtain information about the grievance procedure in  
2 the prison. It was explained that counsel had to exhaust administrative remedies  
3 before asking relief from the District Court. Ms. Rolfsmeier explained that Mr.  
4 Samayoa could file a grievance regarding his being housed in solitary confinement by  
5 filling out a form at the prison. She said also that upon receiving the response from the  
6 prison, he could appeal that decision by completing a portion at the bottom of the page  
7 with the decision. When undersigned counsel asked if an attorney could assist a client  
8 to complete these two steps, Ms. Rolfsmeier said that was prohibited.

9  
10 The undersigned inquired if she could see the form with the grievance and the  
11 decision, and the appeal and Ms. Rolfsmeier said that Mr. Samayoa is not allowed to  
12 bring the form to her at their in-person visits and that he would have to mail it. Ms.  
13 Rolfsmeier said the prison staff would help Mr. Samayoa mail the undersigned the  
14 grievance form(s).

15  
16 Counsel has relayed this to Mr. Samayoa, who then tried very hard to obtain an  
17 envelope with which to mail this evidence that administrative remedies have been  
18 exhausted, to the undersigned defense attorney. When he contacted counsel to inform  
19 that he couldn't get an envelope, counsel mailed him one, but also emailed Ms.  
20 Rolfsmeier and copied AUSA Quezada on the email.

21  
22 Counsel has emailed Ms. Rolfsmeier because when counsel asked for the name  
23 of Mr. Samayoa's case manager, Ms. Rolfsmeier instructed that all communications  
24 should go through her. Thus, even at this point in this case, counsel has been unable  
25 to learn who her client's case manager is. Ms. Rolfsmeier has informed counsel that  
26 an envelope was provided to her client.

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28

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1 Notably, Ms. Rolfsmeier said during the telephone conference that any  
2 information relating to Corecivic's housing policies and specifically the documents  
3 regarding the decision made to continue keeping Mr. Samayoa in solitary confinement,  
4 can only be released to counsel with a subpoena. Therefore, undersigned counsel has  
5 drafted and obtained a subpoena which must now be served on Corecivic. In the  
6 interest of time, attempting to privately hire a process server to serve the subpoena  
7 would be costly and possibly ineffective. Therefore, given the difficulty of obtaining  
8 information outside of the subpoena process, the undersigned attorney begs this Court  
9 to issue an Order requesting that the U.S. Marshals serve the subpoena on Corecivic.  
10  
11

12 The information obtained will be used in preparation for sentencing in this case  
13 and because Mr. Samayoa has been in solitary confinement since his arrest on  
14 November 27, 2021, over 97 days ago and counting.  
15  
16

Respectfully submitted this 2<sup>nd</sup> of March, 2022.

**BLUM LAW FIRM**

*s/Cheryl Inzunza Blum*  
Attorney for Defendant

Copies served via ECF